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June 17, 2019

District Judge Joanna Seybert
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: 2:19-cv-01875-JS-AKT
Lopez v. SPC Management Co., Inc.

Dear District Judge Seybert:

This office represents the plaintiff in the above action and requests an extension of time to prove service to the Court. Individual Motion Practices of Honorable Joanna Seybert (“Individual Rules”), Section I(E)(1)-(2) (distinguishing requests for extension of time to file a responsive pleading with requests for adjournments or extensions in other matters).

The original compliance date by which service is required to be proved is Monday, July 1, 2019. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends). No previous requests for adjournments or extensions of time have been sought, granted or denied. The adversary has not consented to this request.

The reason for the extension is because defendant has not returned a signed waiver of service. On May 13, 2019, plaintiff mailed “a copy of the complaint, 2 copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form” to defendant’s registered agent in its state of formation, Mark R. Poff, 101 Mission Street, Ste. 1900, San Francisco, CA 94105, in California.

Earlier today, I emailed the registered agent and requested an attorney or authorized representative contact my office. I have not heard back at this time. Should I not be contacted by a representative for defendant by next week, I will arrange for service of process through a local process server, while also offering the use of a waiver instead.

Plaintiff requests an extension of 30 days, until Thursday, August 1, 2019, to obtain and file an executed waiver, instead of the process server’s affidavit of service, so defendant may obtain additional time to move or answer. Fed. R. Civ. P. 4(d)(4) (“Results of Filing a Waiver”). This will make it less probable and necessary for defendant to require an extension of time to move or answer and conserve judicial resources. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on June 17, 2019, I served the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan
Spencer Sheehan